

**GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T**

Public Services-I & CAD Department – Sri G.S.R.Seshagiri Rao, Executive Engineer (Retd.) – certain irregularities in the execution of works of weed removal - preparation of boosted estimates and fixing of agencies in Easter Channel from M 13 ¼ to M 19 ¼ under Kanigiri Reservoir in Nellore Central division - disciplinary proceedings initiated – punishment of 5% cut in pension imposed on Sri G.S.R.Seshagiri Rao, Executive Engineer (Retd.) – Review of the punishment as per the orders of the Hon'ble High Court of Andhra Pradesh – re-imposing the penalty of 5% cut in pension on Sri G.S.R.Seshagiri Rao, Executive Engineer (Retd.) – Orders -Issued.

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IRRIGATION & CAD (SER.X.2) DEPARTMENT

G.O.Ms.No. 50

Dt: 18.04. 2012

Read the following:

1. G.O.Rt.No.109, I & CAD Dept., dt. 2.2.1998
2. From Sri Ch. Radhakrishna Murthy, ENC (Retd.) Member COI Lr.No. COI-M/ RKM/12/98, dt. 26.12.1998
3. Govt. Lr. No. 16444/CAD.Ser.II.2./1997-23, dt. 28.03.2000
4. From the Secretary, APPSC, Hyderabad Lr.No. 819/RT.1/ 2/ 2000, dt. 03.07.2000.
5. G.O.Ms.No.88, I & CAD(CAD.ser.II) Dept. , dt. 24.07.2000.
6. Orders dt. 19.01.2009 of the Hon'ble APHC in WP No. 27618 of 2008 filed by Sri G.S.R.Seshagiri Rao, EE(Retd.)
7. Govt.Memo.No.632/Ser.X.2/2009-1, dt. 20.07.2009.
8. From Sri G.S.R.Seshagiri Rao, EE (Retd.) repn. dt. 4.11.2009
9. Govt.Memo.No.632/Ser.X.2/2009-6, dt. 29.04.2011
10. From Sri G.S.R.Seshagiri Rao, EE(Retd.) representation dt. 25.11.2011.
11. Govt. Lr. No. 632/Ser.X.2/2009-9, dt. 17.01.2012
12. From the Secretary, APPSC,Lr.No.237/RT-1/2012, dt.03 -02-12

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ORDER:

In the reference 5th read above, Government have issued orders imposing a penalty of 5% cut in pension besides recovery of ₹. 14,222/- on Sri G.S.R.Seshagiri Rao, Executive Engineer (Retd) for the irregularities committed in the execution of works of weed removal-preparation of boosted estimates and fixing of agencies in Easter Channel from M 13 ¼ to M 19 ¼ under Kanigiri Reservoir in Nellore Central division.

Aggrieved by the above orders of the Government, the Charged Officer Sri G.S.R. Seshagiri Rao, has approached the Hon'ble APAT and filed O.A.No.7045 /2003., seeking relief to suspend the G.O.Ms.No.88, I & CAD (CAD.Ser.II.2) Deptt., dt:24.7.2000. The APAT have dismissed the OA .

Aggrieved by the orders of the Hon'ble APAT, Sri G.S.R.Seshagiri Rao, Executive Engineer (Retd.) has approached the Hon'ble High Court of Andhra Pradesh and filed WP No. 27618 of 2008 with a request to suspend the operation of orders passed in O.A.No.7045 of 2003 dt. 20.1.2007, by the Hon'ble APAT and the proceedings issued by the Govt. vide G.O.Ms.No.88,dt. 24.7.2003.

The Hon'ble High Court , has admitted the W.P. No.27618/2008, and pronounced the Judgment on 19.01.2009 ,with the following direction, are extracted below:

“ A perusal of the material available on record shows that the first respondent – disciplinary authority has committed a procedural irregularity while issuing G.O.Ms.No.88, dt. 24.7.2000 under rule 21 of the Rules, according to which issuance of notice is mandatory in case of disagreeing with the findings of the enquiry officer. Therefore, without expressing any opinion on merits of the matter, we deem it appropriate to dispose of the Writ Petition by remanding the matter to the disciplinary authority so as to follow the procedure as per the rules and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Accordingly the Writ petition is disposed of. No costs.”

In pursuance of the orders passed by the Hon'ble High Court, a copy of the Enquiry Officer's report has been communicated afresh, to Sri G.S.R. Seshagiri Rao, Executive Engineer (Retd) under Rule 21 of APCS (CC&A) Rules, 1991.

Sri G.S.R. Seshagiri Rao, Executive Engineer (Retd) in his representation has stating that the Ayacutdars done the work of weed removal and excess amount of Rs. 14,222/- so arrived at due to incorrect data may be recovered from the bills to be paid to the ayacutdars. There are still chance to recover from the ayacutdars since payments are not made to them so far. He has also stated that the inquiry officer recommended to take a lenient view, as no loss occurred to Govt. He has therefore requested to drop all the charges and recovery, as there is no loss caused to the Government .

After detailed examination of the representation of the charged officer Sri G.S.R. Seshagiri Rao, Executive Engineer (Retd.), Government have proposed to re-impose the penalty of 5% cut in pension against Sri G.S.R. Seshagiri Rao, Executive Engineer (Retd.) under rule 9 of APR Pension rules, 1980.

Accordingly, a show Cause Notice has been issued to Sri G.S.R. Seshagiri Rao, Executive Engineer (Retd), with a direction to Show Cause as to why the proposed penalty of 5% cut in pension should not be imposed against him under Rule 9 of AP Revised Pension Rules, 1980, for the irregularities committed in the execution of works of weed removal- Preparation of boosted estimates and fixing of Agencies in Eastern Channel from M.13 ¼ to M.19. ¼ under Kanigiri Reservoir in Nellore Central Division. In the reference 10th cited , Sri G.S.R.Seshagiri Rao, Executive Engineer (Retd.) has submitted his explanation .

Government after careful examination of the matter , it has been decided to re-impose the penalty of 5% cut in pension against Sri G.S.R. Seshagiri Rao, Executive Engineer (Retd.), for the said irregularities . Accordingly, hereby order to re-impose the penalty of 5% cut in pension against Sri G.S.R.Seshagiri Rao, EE (Retd.) for the said irregularities committed by him. A copy of the reference 12th cited, in which the concurrence of the APPSC is obtained is enclosed herewith.

The Engineer - In - Chief (AW) , I&CAD Department , Hyderabad shall take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAILENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri G.S.R. Seshagiri Rao, Executive Engineer (Retd)
through the Engineer-In-Chief (Admn.Wing) ,
I&CAD Deptt., Hyderabad
The Engineer-In-Chief (Admn.Wing) ,
I&CAD Deptt., Hyderabad
Copy to :
The Accountant General, AP, Hyderabad
The Secretary, APPSC, Hyderabad
The Secretary, APVC, Hyderabad.
SF/SC

//FORWARDED: : BY ORDER//

SECTION OFFICER